IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1161 of 1998

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHESHKUMAR SHANTILAL JOSHI

Versus

ISMAILKHAN CHANDBHAI

Appearance:

MR HC BUCH FOR NANAVATY ADVOCATES for the Petitioner

MR JT TRIVEDI for the Respondent No. 1

MR BY MANKAD, AGP for the Respondents Nos.2,3 and 4

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 16/10/2002

ORAL JUDGEMENT

This is a Revision Application preferred under Section 115 CPC against the judgment and order dated 5th

August, 1998 passed by the learned District Judge, Junagadh in Civil Misc.Appeal No.17/1997.

The learned advocate Mr.Buch states that in view of the amendment to the Code of Civil Procedure under Act No.22 of 2002, the present Revision Application preferred under Section 115 CPC against an interlocutory order in a pending suit may not be maintainable. He, therefore, seeks leave to withdraw this Revision Application with a view to preferring a writ petition under Article 227 of the Constitution of India, in the subject matter of this Revision Application. Mr.Buch, however, requests that the interim stay granted by this Court pending the Revision Application be continued for a period of 15 days.

The learned advocate Mr.Trivedi objects to the stay being continued. He has submitted that the present petitioner has no locus standi and interim stay granted in his favour shall not continue.

Leave is granted. The Revision Application is disposed of as withdrawn. Rule is discharged. The interim stay granted pending the Revision Application shall stand continued upto 22nd October, 2002. Registry is directed to send the writ forthwith.

(Ms. R.M. Doshit, J.)

/sakkaf